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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jean-Pierre DEGAND
Anne ROBERT

Serial No.: 09/774,328

Filed: January 30, 2001

For: ORGANIC GLASS OPHTHALMIC LENS
HAVING AN IMPACT-RESISTANT
PRIMER LAYER BASED ON A
POLYURETHANE LATEX AND ITS
MANUFACTURING PROCESS

Group Art Unit: 1712

Examiner: Feely, Michael J.

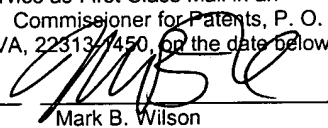
Atty. Dkt. No.: ESSR:037US

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on the date below:

September 27, 2004

Date


Mark B. Wilson

RESPONSE TO NOTICE OF ALLOWABILITY MAILED JUNE 25, 2004

MAIL STOP ISSUE FEE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being filed after issuance of a Notice of Allowance, and is submitted in response to the Notice of Allowability dated June 25, 2004, for which the three-month date for response is September 27, 2004. The payment of the Issue Fee is being made concurrently herewith.

No fees under 37 C.F.R. §§ 1.16 to 1.21 are believed to be due in connection with the instant paper; however, should the Commissioner determine otherwise, please consider this paragraph such a request and authorization to withdraw the appropriate fee from Fulbright & Jaworski Deposit Account No. 50-1212/ESSR:037US.

RESPONSE TO NOTICE OF ALLOWABILITY

A. Foreign Priority

The Notice of Allowability acknowledges Applicants' claim for foreign priority based on French Application No. 98/09826 filed July 31, 1998, but notes that a certified copy of the French application has not been submitted. Applicants submit herewith as Appendix A, a certified copy of French Application No. 98/09826 filed July 31, 1998.

B. Information Disclosure Statement

Applicants' representative notes that an initialed copy of the Form PTO-1449 submitted by Applicants with the Information Disclosure Statement on March 28, 2001, has not been returned to Applicants and was not attached to the Notice of Allowance. Applicants note that the Image File Wrapper on PAIR contains a copy of the Information Disclosure Statement date-stamped received by OIPE on April 2, 2001, however the Image File Wrapper does not contain a copy of the Form PTO-1449 or references which accompanied the Information Disclosure Statement. Upon further investigation of the PTO web site, Applicants' representative determined that the PTO file for this application had been marked lost on October 1, 2003, and that the file was apparently reconstructed on November 1, 2003, as shown on the PAIR File History for this application. Applicant's representative believes that the Form PTO-1449 and the accompanying listed references may have been lost. Applicants therefore resubmit herewith as

Appendix B copies of the Information Disclosure Statement, Form PTO-1449, and listed references originally filed on March 28, 2001, together with a copy printed from PAIR of the Information Disclosure Statement showing a date-stamp of April 2, 2001, evidencing its receipt by the Patent and Trademark Office.

Applicants would point out that the four references listed on the Form PTO-1449 were made of record in the case, both by the filing of the Information Disclosure Statement and Form PTO-1449 and by submission of the PCT search report, which contained citation to these four references. Applicants would respectfully point out that in the PCT search report, each of these references was designated as an "A" reference.

Applicants' representative respectfully requests that the examiner initial and return a copy of the Form PTO-1449, as originally filed with the IDS.

C. Patent Term Adjustment

Applicants note that the Patent and Trademark Office calculated the patent term adjustment to be 817 days. Applicants' representative respectfully points out that this patent term adjustment must have been based on a filing date of January 31, 2001, which has since been corrected to January 30, 2001, in response to Applicants' Petition for Corrected Filing Date resubmitted on August 16, 2004. Therefore, Applicants' representative believes that the correct patent term adjustment should be 818 days.